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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,874	03/30/2004	Leslie Spring	113748-4593US	5564
27189	7590	12/01/2006	EXAMINER	
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/813,874	SPRING
	Examiner	Art Unit
	Belix M. Ortiz	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29, 34-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Remarks

1. In response to communications files on 12-September-2006, claims 1-2, 8, 11-13, 15, 25, 29, and 34-35 are amended and claims 30-33 and 36 still cancelled per applicant's request. Therefore, claims 1-29 and 34-35 are presently pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-29 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 1, 15, 29, and 34-35 the phrase "can be selected" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
5. Regarding claims 2-28 are rejected under 35 U.S.C. 112, second paragraph, as dependent from rejected independent claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-7, 9-29, and 34-35 are rejected under 35 U.S.C. 102(a) (Eff. Filing date of application 4/28/2003) as being anticipated by Fenton et al. (U.S. pub. 2002/0194195) (Eff. Filing date 7/13/2001).

As to claims 1 and 34, Fenton et al. teaches a repository system for media publishing (see abstract and paragraph 3), comprising:

a plurality of storage devices configured to store a plurality of media items (see paragraphs 13-14, 43, 46, and 91), the plurality of storage devices including a first storage device and a second storage device,

the first storage device configured to store a first type of media items (see paragraph 43, 50, and 91), and

the second device configured to store a second type of media items different from the first type of media items (see paragraph 43, 50, and 91);

wherein a type of media items that can be selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the

physical size of the media items (this claim limitation is optionally recited accordingly it does not hold patentable weight); and

metadata information relating to the plurality of media items stored in said plurality of storage devices (see paragraph 3 and 13),

wherein said metadata information enables hierarchical organization of the plurality of media items so that the media items are easily accessed, moved, added, and deleted (see paragraphs 43, 46, 59, 89, and 101).

As to claims 2 and 16, Fenton et al. teaches wherein said plurality of storage devices is distributed over a network to configure the repository system as an online repository system (see abstract and paragraph 3 and 10).

As to claims 3 and 17, Fenton et al. teaches wherein the online repository system is configured as a Web-based Distributed Authoring and Versioning (WebDAV) facility (see abstract and paragraph 3).

As to claims 4 and 18, Fenton et al. teaches the system further comprising: a communication servlet to allow management of media items stored in said plurality of storage devices using WebDAV-issued commands (see abstract and paragraph 39).

As to claims 5 and 19, Fenton et al. teaches wherein the WebDAV-issued commands includes HTTP requests (see paragraph 53-54).

As to claims 6 and 20, Fenton et al. teaches the system further comprising: a plurality of repository filter services configured to provide a framework for performing operations on the plurality of media items while uploading and downloading the media items from the network (see abstract and paragraphs 11 and 46).

As to claim 7, Fenton et al. teaches the system further comprising: a plurality of templates, each template specifying a particular format for the different type of media item (see paragraphs 50 and 124).

As to claims 9 and 23, Fenton et al. teaches wherein said plurality of repository filter services includes a media manipulation system to change a media item from one type to another type (see paragraph 56).

As to claim 10, Fenton et al. teaches wherein said media manipulation system includes an image manipulation system configured to resize an image of the media item (see paragraph 89).

As to claim 11, Fenton et al. teaches wherein said first type of media items is an image type of a JPEG format (see paragraphs 114 and 119).

As to claim 12, Fenton et al. teaches wherein said second type of media items includes a music type of a MP3 format (see paragraph 119).

As to claim 13, Fenton et al. teaches wherein said second type of media items includes a streaming media type of a WAV format(see paragraph 85).

As to claim 14, Fenton et al. teaches the system further comprising: an asset table to encapsulate relationship between files and folders in said repository system (see figure 16 and paragraphs 50-51).

As to claims 15, 29, and 35, Fenton et al. teaches a method of providing storage for media items in media publishing, comprising:

storing a first type of media items in a first storage device (see paragraphs 50, 91);
storing a second type of media items in a second storage device (see paragraphs 50, 91);
wherein a type of media items that can be selected for the first type and the second type includes:

a format, a bit rte, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items (this claim limitation is optionally recited accordingly it does not hold patentable weight);

relating first metadata information to the first type of media items (see paragraph 43); and
relating second metadata information to the second type of media items (see paragraph 43),

wherein said first and second metadata information enable hierarchical organization of the media items so that the media items are easily accessed, moved, added, and deleted (see

paragraphs 43, 46, 59, 89, 101).

As to claim 21, Fenton et al. teaches the method further comprising: specifying a particular format for the media items (see paragraph 119).

As to claim 24 and 26, Fenton et al. teaches the method further comprising: configuring the first and second storage devices into a virtual folder to enable storage of media items and metadata information independent of physical locations (see paragraphs 42, 87, and 59).

As to claim 25, Fenton et al. teaches the method further comprising: presenting the first and second types of media items according the virtual folder to store the first and second types of media items independent of the first and second storage devices (see paragraphs 42, 87, and 59).

As to claim 27, Fenton et al. teaches wherein configuring the first and second storage devices into a plurality of virtual folders includes enabling each user to have a different view of the stored media items than other users (see paragraphs 83, 128, and 130).

As to claim 28, Fenton et al. teaches wherein configuring the first and second storage devices into a plurality of virtual folders includes customizing features of a presentation including the media items (see paragraphs 75 and 101).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of application 4/28/2003) as being unpatentable over Fenton et al. (U.S. pub. 2002/0194195) (Eff. Filing date 7/13/2001) in view of Lai et al. (U.S. pub. 2004/0032348) (Eff. Filing date of cont. application 5/10/2002).

As to claims 8 and 22, Fenton et al. does not teach wherein said plurality of repository filter services includes a transcoder operating to perform one or more operations on a media item to convert the media item from an original format to a format closer to or matching the particular format specified by the template.

Lai et al. teaches distributed on-demand media transcoding system and method (see abstract) in which he teaches wherein said plurality of repository filter services includes a transcoder operating to perform one or more operations on a media item to convert the media item from an original format to a format closer to or matching the particular format specified by the template (see abstract and paragraphs 17, 20, and 25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fenton et al. by the teaching of Lai et al., because

wherein said plurality of repository filter services includes a transcoder operating to perform one or more operations on a media item to convert the media item from an original format to a format closer to or matching the particular format specified by the template, would enable the method because,” The present invention is directed to a system and method for the on-demand transcoding of media content from a plurality of source types to a plurality of destination types. In one embodiment, a method is provided for transcoding media content from a source type to a destination type, comprising the steps of receiving a transcoding request for the media content, fetching the media content, selecting one of a plurality of transcoders for transcoding from a plurality of source types to a plurality of destination types based on the source type and the destination type, sending the media content to the selected transcoder, transcoding the media content from the source type to the destination type, thereby generating a transcoded media file, and transmitting the transcoded media content”, (see paragraph 17).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

November 25, 2006



SAM RIMELL
PRIMARY EXAMINER